

Attorney Docket No. DYOUP0313US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re **PATENT** application of:

Applicant:	Pier John Anthony Sazio et al.
Application No.:	10/595,323
Filing Date:	April 7, 2006
Title:	FABRICATION OF METAMATERIALS
Examiner:	William P. Fletcher III
Art Unit:	1715

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

The undersigned attorney of record, on behalf of the assignee, UNIVERSITY OF SOUTHAMPTON, the owner of 100 percent of the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term (or any extension thereof), as presently shortened by any terminal disclaimer, of prior Patent No. U.S. 7,799,663. Any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned, this provision to run with any patent granted on the instant application and to be binding upon the grantee, its successors or assigns.

No disclaimer is made of any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent (or any extension thereof), as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term (or any extension thereof), as presently shortened by any terminal disclaimer.

The Commissioner is hereby authorized to charge any deficiency in payment of the terminal disclaimer fee, or credit any overpayment, to Deposit Account No. 18-0988 under the above shown Attorney Docket Number.

Respectfully submitted,

/Don W. Bulson/

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